

REMARKS

Claims 1-7 are currently pending in the application. Claim 1 is independent. Reconsideration of this application is respectfully requested.

Claim Rejections under 35 U.S.C. §112

Claims 2, 4 and 5 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the recitation “the number of ACKs lost for radio packets transmitted” in claim 2 stands rejected as lacking prior antecedent basis in the claim. Applicants have amended claim 2 to recite “a number of ACKs lost for radio packets transmitted.”

Therefore, Applicants submit that this rejection has been overcome and should be withdrawn. Further, the rejection of claims 4 and 5 as being indefinite based on their dependency on claim 2 has also been overcome by the amendment to claim 2 and should likewise be withdrawn.

Claim Rejections under 35 U.S.C. §102

Claims 1 and 2 stand rejected under 35 U.S.C. §102(b) as being anticipated by Tuttle et al. (U.S. Patent No. 5,613,228). Further, claim 1

stands rejected under 35 U.S.C. §102(b) as being anticipated by Oberholtzer et al. (U.S. Patent No. 5,465,399). The rejections of these claims are respectfully traversed.

Tuttle et al. teaches a method for minimizing the power used by a remote transceiver in a 2-way communication between local and remote transceivers by repeatedly transmitting *a signal* with successively increasing power from the one transceiver until a response is received from the other transceiver (i.e., response from a single signal transmission). Specifically, if an RFID does not send a response or if a response is not received by an interrogator, the interrogator will assume that the broadcast output power of the last transmitted signal is too weak. The interrogator will then increase the power level setting on its own transmitter and change the informational content of the signal to be sent reflecting the increase in power, and send a signal just like the first except for an increase in power and corresponding change in informational content. The loop continues until a response from the RFID tag transceiver is received or until a maximum allowable transmitter level is attained.

There is no teaching or suggestion within the Tuttle et al. patent document that approaches the recitations of independent claim 1. In particular, Tuttle et al. fails to teach or suggest at least "adjusting the transmit power of a wireless transmitter in relation to a number N of

expected ACKs for *radio transmissions*." (Emphasis added). Tuttle et al. discloses transmitting the same signal repeatedly, each time at an increased power level, until a response is received. Thus, Tuttle et al. merely transmits a single signal (i.e., single transmission) and waits for a single response from that transmission. The power level for transmission is increased accordingly based upon whether or not a single response is received from the transmission of the single signal. The claimed invention as recited in claim 1 requires adjusting the transmit power in relation to a number N of expected ACKs for *radio transmissions* (i.e., expected ACKs from more than a single transmission). Contrary to the claimed invention, Tuttle et al. is merely concerned with controlling power level, and more particularly increasing power level, based upon receiving a response from a single transmitted signal.

Therefore, Applicants respectfully submit that Tuttle et al. fails to disclose each and every claim limitation as required by independent claim 1 and the rejection under 35 U.S.C. §102(b) is improper. Further, claim 2 is dependent upon claim 1 and is likewise allowable for at least the same reasons that claim 1 is allowable.

Claim 1 also stands rejected as being anticipated by Oberholtzer et al. Oberholtzer et al. teaches a power control method for controlling the power level of member stations on a network. Specifically, if no stations respond to a transmission at a default transmit power level when the

network is being formed, then the transmit power level of the station forming the network is incrementally increased in steps until the receiver receives a signal indicating that a communication link with a member station has been established, or until a maximum transmit power is reached and no reply is received, whichever occurs first. In particular, a "form network" control block is repeatedly transmitted, each time at a successively higher transmit power level, until a response is received or the maximum transmit power level is reached.

There is no teaching or suggestion within the Oberholtzer et al. patent document that approaches the recitations of independent claim 1. In particular, Oberholtzer et al. fails to teach or suggest at least "adjusting the transmit power of a wireless transmitter in relation to a number N of expected ACKs for *radio transmissions*." (Emphasis added). Oberholtzer et al. discloses transmitting the same "form network" control block signal repeatedly, each time at an increased power level, until a response is received. Thus, Oberholtzer et al. merely waits for a single signal response from the transmission. The power level for transmission is increased accordingly based upon whether or not a single response is received from the transmission. The claimed invention as recited in claim 1 requires adjusting the transmit power in relation to a number N of expected ACKs for *radio transmissions* (i.e., expected ACKs from more than a single transmission). Contrary to the claimed invention,

Oberholtzer et al. is merely concerned with controlling power level based upon receiving a single signal response to establish a communication link.

Therefore, Applicants respectfully submit that Oberholtzer et al. fails to disclose each and every claim limitation as required by independent claim 1 and the rejection under 35 U.S.C. §102(b) is improper.

Allowable Subject Matter

Applicants acknowledge with appreciation that claims 6 and 7 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Because claims 6 and 7 depend from allowable independent claim 1, Applicants are not rewriting these claims in independent form.

Further, applicants acknowledge with appreciation that claims 2, 4 and 5 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. Because claims 2, 4 and 5 depend from allowable independent claim 1, Applicants are not rewriting these claims in independent form.

CONCLUSION

Accordingly, in view of the above amendments and remarks, and all of the stated grounds of rejection having been properly traversed, accommodated, and/or rendered moot, reconsideration of the rejections and allowance of each of claims 1-7 in connection with the present application is earnestly solicited. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is condition for allowance.

Should there be any outstanding matters that need to be resolved in the application before allowance thereof, the Examiner is invited to contact Gary D. Yacura (Reg. No. 35,416) at (703) 668-8023.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. 1.16 or under 37 C.F.R. 1.17; particularly, extension of time fees.

Respectfully submitted,

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ATTACHMENT SHOWING AMENDMENTS TO CLAIMS

Claim 2 has been amended as follows:

2. (Amended) The method of claim 1 wherein said adjusting being performed by said wireless transmitter and further including:

monitoring [the] a number of ACKs lost for radio packets transmitted;

increasing said transmit power if the number of ACKs lost/expected number of ACKs is above a first threshold; and

decreasing said transmit power if the number of ACKs lost/expected number of ACKs is below a second threshold.